

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE UPPER DECK COMPANY,

Plaintiff,

v.

RYAN MILLER et al.,

Defendants.

CASE NO. C23-1936-KKE

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION FOR COMBINED SUMMARY
JUDGMENT MOTION

This matter comes before the Court on Defendants' motion "to file one combined motion for summary judgment not to exceed 16,800 words instead of filing two separate summary judgment motions of 8,400 words each." Dkt. No. 97 at 1. Defendants argue this posture will be "more efficient for the parties and the Court" because the "overlapping claims" rely on similar facts and law. *Id.* Plaintiff objects to this request as "a strategic attempt to gain an unfair advantage" by allowing one defendant to "effectively absorb the other's word count[.]" Dkt. No. 100 at 2. Plaintiff also objects because "[s]eparate motions will compel each defendant to articulate, with precision, the specific factual and legal grounds that entitle it to summary judgment." *Id.* at 3.

The Court will grant Defendants leave to file one combined motion for summary judgment. The Court trusts that this brief will be clear regarding its basis for summary judgment for each defendant and each claim. However, the Court finds 16,800 words is excessive considering the

1 combined brief will not need to repeat factual allegations or substantive legal arguments and that
2 simply doubling the usual summary judgment word count is inefficient. Accordingly, the Court
3 GRANTS IN PART AND DENIES IN PART Defendants' motion (Dkt. No. 97) and ORDERS:

- 4 1. Defendants may file one combined motion for summary judgment, not to exceed
5 14,000 words.
- 6 2. Plaintiff's opposition shall not exceed 14,000 words.
- 7 3. Defendants' combined reply shall not exceed 7,000 words.

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9 Dated this 30th day of June, 2025.

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12 Kimberly K. Evanson
13 United States District Judge
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